

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

PLAINTIFF,

-AGAINST-

MICHAEL MCKENZIE D/B/A AMERICAN IMAGE ART,

DEFENDANT.

Case No. 1:18-cv-04438-AT-BCM

**DECLARATION OF FRED R. DANIELLO JR.**

I, FRED R. DANIELLO JR., do hereby declare under penalty of perjury that the following is true and correct:

1. I am fully familiar with the matters set forth in this Declaration based on personal knowledge about the facts and matters below. I am over the age of 18 years and not laboring under any disabilities.

2. I am the owner of Art Commerce LLC, an art gallery that sells canvas, prints, and sculpture artwork.

3. I have sold artwork by Robert Indiana for many years. I have purchased Indiana works from various art dealers, including from Gregory Allen.

4. In the past two years, Allen sold me at least nine "Hope Suites," a "Hope" canvas print, and a "Tikvah" print.

5. I purchased two "Hope Suites" and the "Hope" canvas print from Allen on November 11, 2021. I have attached as Exhibit A true and correct copies of some of Allen's invoices to me, including the November 11, 2021 invoice.

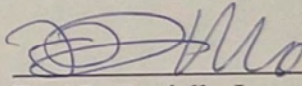


6. Allen told me that the artwork he was selling to me, including in the November 2021 sale, was coming from Michael McKenzie.

7. I have read this document carefully. Every statement in this document is truthful and accurate, I have not been paid in exchange for giving this information, and I have given this declaration under my own free will.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in San. on 27, 2022

By:   
Fred R. Daniello Jr.

# Exhibit A

BOX 30  
EDGEWATER  
N.J. 07020  
PH: 917 750 5530  
FAX: 800-529-8161

**Spirit Art  
Group**

## Purchase order # 698969

**Sold to Art Commerce :**

**11 08 21**

**R. Indiana Four Seasons of Hope PORTFOLIOS**

**1 silver # 49/125**

**1 gold #56/82**

**Price : 10.000.00 ea.**



**(2) Four Seasons of Hope portfolios sold at 10.000.00 ea.**

**Balance :20.000.00**

**BALANCES DUE : 20.000.00 dollars upon delivery**

Gregory Allen/Spirit Art Group \_\_\_\_\_ **GREGORY ALLEN**

FRED DANIELLO/ARTCOMMERCE \_\_\_\_\_

**BANK WIRE  
INSTRUCTIONS**

**branch address:  
725 river road ,Edgewater N.J. 07020**

**Chase Bank Account name:  
Spirit Art Group LLC.**

**Business address:  
Spirit Art Group :  
5 Laird Place,  
Cliffside Park, New  
Jersey 07010**

**Spirit Art Group account#: 579 522  
082 Chase Domestic Routing#: 021-  
000-021**

**Chase Bank wire address :  
1 Chase Manhattan New York, New York 10005**

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**INVOICE# 052721 Art Commerce fine art**

**Spirit Art Group**

**05 27 21**



**Spirit Art  
Group**

**(3) four seasons of Hope Portfolios 2 blue /1 red  
ea.**

**13.400.00**

**Balance : C.O.D. / delivered Paid in full 05 27 21**

**40.200.00**

Gregory Allen/Spirit Art Group GREGORY ALLEN

Fred Daniello \_\_\_\_\_

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**Spirit Art  
Group**

**Purchase order # 072453**

**SOLD TO : Daniello fine art**

**10 20 20**

**1 Robert Indiana Hope silkscreen, oil on canvas. 10 x 10 in.**



**Price : 14150.00**

**Balance : DUE UPON DELIVERY**

**BALANCE DUE : PAID IN FULL**  
**14,150.00**

Gregory Allen/Spirit Art Group \_\_\_\_\_ GREGORY ALLEN

Daniello fine Art \_\_\_\_\_



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**Chase Bank Accountname:  
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**Business address:  
Spirit Art Group :  
5 Laird Place,  
Cliffside Park, New  
Jersey 07010**

**Spirit Art Groupaccount#: 579522082  
Chase Domestic Routing#: 021-000-021**

**Chase Bank wire address :  
1 Chase Manhattan New York, New York 10005**